

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

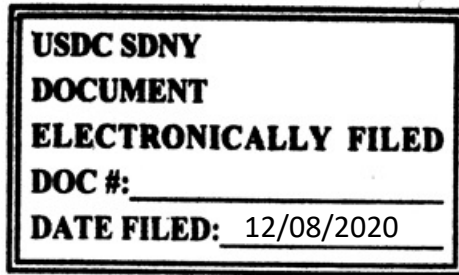
Mario Passante,

Plaintiff,

-against-

Luzzo's 211, LLC et al.,

Defendants.



1:20-cv-04771 (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

This case contains claims under the Fair Labor Standards Act. The Court has been advised that the parties have reached a settlement in principle on all issues. (See ECF Nos. 26, 27.) On December 7, 2020 an Order was issued on the parties' consent referring disposition of this matter to the undersigned pursuant to 28 U.S.C. § 636(c). (ECF No. 32.) The same day, the parties filed a motion for settlement approval. (ECF No. 31.)

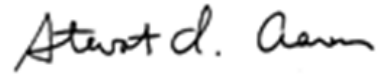
Having reviewed the proposed settlement, the Court finds that it is fair and reasonable, *see Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), with one caveat. The settlement agreement contains a confidentiality provision (paragraph 7), which the Court already has indicated that it will not accept. (See 11/25/2020 Order, ECF No. 30, at 2 ("The parties are advised that the Court will not approve settlement agreements that contain a confidentiality provision[.]").) However, because the settlement agreement has been filed on the public docket, the Court finds that the confidentiality provision is moot.

Accordingly, the settlement is approved and this action is dismissed with prejudice and without costs except as may be stated in the settlement agreement. The Court will retain

jurisdiction to enforce the settlement agreement. The Clerk is respectfully requested to close the case.

SO ORDERED.

DATED: New York, New York
December 8, 2020

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line.

STEWART D. AARON
United States Magistrate Judge